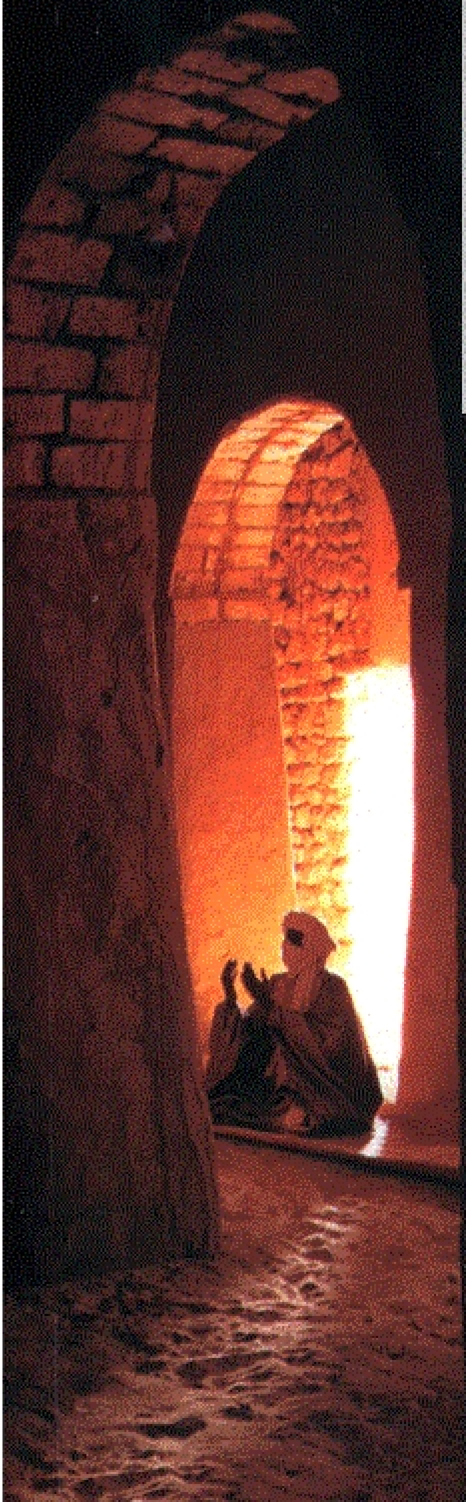
The obligation *of* Taqlid



Shaykh al-Hadith Fazlur Rahman Azmi

The Obligation of Taqlīd

The Harms of Abandoning it, with special regards to making Taqlīd of an Individual

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Forward

Muftī Masood Casim
Senior lecturer at Madrasah Arabia Islāmiah

With Qiyāmah (the day of judgment) approaching fast, the Signs are escaping us in a flash, leaving us bewildered and straining to see through the eyeglasses of the many preconceived notions of what these Signs mean. We are left unraveling history to understand what unfolded before our very own eyes; yet went by unnoticed. Among this unraveling, in fact one of the most important discoveries is the purport and significance of the following *Ahādīth*:

Hadrat Abū Hurairah ﷺ reports that Rasūlullāh ﷺ said, *"Such a time will pass upon my Ummah where the Qurrā' will be in abundance, the Jurists will be a few, knowledge will be seized and murder will become rife..."*

In a narration reported by Imām Ahmed رحمة الله عليه, when Hadrat Abū Hurairah رضي الله عنه quoted the same Hadith above, Hadrat 'Umar رضي الله عنه who was listening added an explanation to the words, *"knowledge will be seized,"* saying, *"It is not that it (knowledge) will be removed from*

the hearts of the 'Ulamā (scholars), rather the 'Ulamā will dwindle." H̲ad̲rat 'Umar ﷺ in all probability heard the words of Rasūlullāhﷺ reported by 'Abdullāh bin 'Amr ﷺ: *"Verily, Allah ﷻ will not take knowledge by seizing it suddenly from men; rather He will lift knowledge by taking the 'Ulamā. Until when no 'Ālim (scholar) remains, people will make the ignorant their leaders. These leaders will be consulted and they will pass verdicts without knowledge. They will go astray and lead others astray." [This narration has been narrated by: Imām Ah̲med, Imām Bukhārī, Imām Muslim, Imām Tirmidhī, and Imām ibn Mājah]*

Some *S̲ah̲ābah* perplexed at the statement of Rasulullah ﷺ asked, *"How is it possible that knowledge be lifted from us when we recite the Qurān, teach it to our wives, children and they will continue in the same fashion."* The answer was, *"Do not these Jews and Christians have their holy books? They have not adhered to it, even a single thing therein."* This *H̲adīth* is reported by Imām Ah̲med رحمة الله عليه in his Musnad. In some narrations the following words appear, *"Allāh ﷻ will not raise knowledge suddenly, rather He will raise the bearers of knowledge. And no 'Ālim (scholar) goes from this Ummah except that he leaves a*

vacuum which will never be filled till the Day of Judgment."

Another pertinent sign is that people will succumb to their desires and every person will hold his own opinion in the highest esteem. This together with other points of pertinence have been reported by Imām Bukhārī رحمة الله عليه in his book *al-Adab al-Mufrad* wherein he narrates from Ibn Mas'ūd رضي الله عنه who said, *"You are witnessing such a time where the Jurists are in abundance, orators a few, questions are less, those qualified to answer are in abundance, deeds control desires, such a time will come after you where the Jurist will be few, orators in abundance, a lot of questions, few qualified to answer, desire will control the deeds..."*

The summary of the above explains the "Salafis" and "non-Mazhabites" in the making. Knowledge will be seized and jurists will be a few; in spite of the presence of 'Ulamā. The presence of the Qurān with us will be of no consequence; since nobody will be practicing on it. Desires will be king, and every person who gives opinion will be proud of his own opinion. This spells out our present situation and explains the

root cause of the thought or rather "attitude" that prevails today.

Because following the desire has become the order of the day, majority of the votes are tendered for the "Islām" that can blend in with the lifestyle that we have already adopted. If the society has stooped to this ebb, a Jurist whose principle is – and their principles always have been - how a person should be "on the safe side" regarding Allah ﷻ, will be an unappreciated gem. If a patriot of this new-world-thought blows his trumpet against the men of learning, where do we find someone learned who can judge between them in a crowd who have already made a decision. If a layman argues with a constitutional expert; what is the value of another layman agreeing with the first? This is exactly the situation that we find ourselves in today: A person challenges great Jurists of Islām and presents his proof. The layman who has no clue of what proof the Jurists have; never mind the level of knowledge required to understand that proof.

The issue is very simple to understand: if a man's sole objective is to please Allāh ﷻ, his focus is the

Ākhirah (hereafter) and he is conscious of death; he will not compromise on his Deen. He will adopt a principle of "being on the safe side" and he will look for decisions from a man who holds the same principle. The famous master in *Hadīth*, Sufyān bin 'Uyainah رحمة الله عليه says:

التسليم للفقهاء سلامة في الدين

"In submission to the Jurists lies the safety of Dīn (religion)."

On the other hand, someone who finds consolation in new-Islām trends from the guilt that he is always suffering from the common understanding of Dīn (religion) is obviously not only going to follow that new-Islām, but he will also promote it.

So that is the "Salafiysm" trend which is catching on like wild fire; especially in the universities and professional circles. As we have explained before that the root cause of this new-cult is we find it difficult to submit in this new age of free thought. As foreseen by their leader Maulāna Hussayn Batālwī رحمة الله عليه , their position eventually even affects their belief structure which is why the "Salafis" also differ with us in tenets of

faith. But, by the grace of Allāh ﷻ, there will always be those few Jurists and men of deep understanding available in every era to seize these *fitnahs* in their wake. A stalwart in these ages is the learned author Shaykhul Hadīth Maulāna Fazlur Rahman ‘Azmī. Shaykhul Hadīth has collected and sorted such material in preparing this treatise that is comprehendible for those who are not acquainted with the Islāmic sciences. This is far from the lessons of Bukhāri and Tirmidhī of Shaykhul Hadīth. His lessons are distinct by always being filled with evidence, marked for accuracy, free from partiality, an eye-opener for the "anti-Mazhabists" and light for the biased.

We make du'ā that Allāh ﷻ accepts this effort of Shaykhul Hadīth and all those who were instrumental in making this book available for the benefit of all. – Āmīn-

This lowly servant
Masood Cassim
Azaadville

About the Author

Recognizing the author plays a great role in truly appreciating and taking benefit from a book. The one who has embedded the recognition of Allāh ﷾ in his heart will attain much more benefit from the Noble Qurān than the one who has not. On this basis Allāh ﷾ commenced His book with His praise and has beautifully laid it out throughout the Noble Qurān. In the same manner, so we can fully treasure this book, I would like to briefly introduce the author of this book.

Shaykhul Hadīth Maulānā Fazlur Rahmān 'Azmī was born in 1365/1947 in Maunath Bhanjan (Mau), Uttar Pradesh, India. Shaykhul Hadīth embarked on an intensive period of studying during which he mastered Arabic, Persian, and Urdu. He commenced and completed his studies in Mau. Upon completion of the rigorous *Sharī'ah* program (*'Ālim* course) at Madrasah Miftāhul 'Ulūm, Mau, 1386/1966, in the traditional Islāmic sciences, he studied the various modes of Qurānic recitations (*Qirā'ah*), thereafter specializing in *Hadīth*, and answering legal questions (*Iftā*) under the great scholar of *Hadīth*, Shaykh Habībur Rahmān 'Azmī

رحمة الله عليه. Amongst his honorable teachers are: Shaykh ‘Abdul Latīf Nu’mānī رحمة الله عليه, Shaykh ‘Abdul Jabbār ‘Azmī رحمة الله عليه, Shaykh Hafīzur Rahmān ‘Azmī (the author’s respected father) رحمة الله عليه, and Shaykh ‘Abdur Rashīd Husaynī رحمة الله عليه (who gifted his personal copy of *Tuhfat al Ahwazī*, a commentary on *Tirmidhī,* to the author).

Shaykhul Hadīth’s illustrious teaching began in his hometown of Mau. On the advice of his teacher he moved to Madrasah Mazharul ‘Ulūm, Varanasi, where he taught for four years. In 1394/1975 he relocated to the renowned seminary, Jāmi’ah Islāmiah Dābhel, Gujarāt, where he taught major books of *Tafsīr* (Qurānic exegesis) - *Jalālayn*, *Hadīth* - *Tahāwī, Nasa’ī, Ibn Mājah, Mu’atah Imām Mālik, Mishkāt*, *Fiqh* (Islāmic Law) - *Hidāyah*, *Qirā’ah Sab’ah* and *‘Asharah*. He also taught *Sharh al Jāmī, Hamāsah, and Dīwān al Mutanabbī.* He wrote a biography of the *imāms* of *Qirā’ah* and a history of Jāmi’ah Islāmiah Dābhel. In 1406/1986 he was invited to Madrasah Arabiah Islāmiah, Azaadville, South Africa and was offered the post of Shaykhul Hadīth (senior lecturer of *Hadīth*). To date he has taught *Sahīh al Bukhārī*, *Sahīh al Muslim*, *Sunan al Tirmidhī*, *Mishkāt al Masābīh*, *al Ashbāh wa*

Annazāir and other major books at this institute. He also taught *Abū Dā'ūd, Ibn Mājah,* and other books in his spare time. Shaykhul Hadīth currently resides in Azaadville with his family.

In 2001, Dārul 'Ulūm Chatsworth, Natal, was established, under the author's supervision, the number of students increased from 5 to currently consisting of 120 students. They cater for part-time and full time *hifz* students. Their *Islāmic* education reaches till the *Sihah Sittah* (6 authentic *Hadīth* compilations). They offer a course in the various modes of Qurānic recitations (*Qirā'ah*) and *Da'wah* as well. Under their management, many other institutions have also been established. Madrasah Rahmāniah, Laudium is currently running under the author's supervision, and are providing many services to the Muslim community. In 2002, Shaykhul Hadīth laid the foundation of Madrasah Da'watul Haq, Azaadville, which consists of 160 students. They offer courses in *Islāmic* as well as in secular education. Many of the students are orphans, there are such students whose parents are non-Muslims or one parent is a non-muslim. The institution bears the students educational and living expenses.

Shaykhul Hadīth is a prolific writer and has authored over 40 books. His most famous works include: an introduction to *Sahīh al Bukhārī*, *Sunan al Tirmidhī*, and *At Tahāwī, Tārīkh Jāmiah Dābhel,* The obligation of composure in *Qaumah and Jalsah* and the supplications of them both (Urdu and English), The reality of the fifteenth of *Sha'bān,* Turban Kurta and Topī (in the light of the *Ahādīth* and the sayings and practices of the pious predecessors), The correct and appropriate distance that necessitates shortening of prayer, Biography of Imām Abū Hanīfah, Imām Abū Yūsuf, and Imām Muhammad, Biography of the *Imām's* of *Qirā'ah, Maqālāte 'Azmī,* and many books on the topic of *Da'wah* and *Tablīgh.*

Shaykhul Hadīth has also been active for many years in the field of *Da'wah* and *Tablīgh* and undergoes journeys to many different countries. He has a connection with *tasawwuf* (sufism). He first took *bay'at* on the hands of Shaykh Zakariyyah رحمة الله عليه and under his orders he formed a *Islāhī* (self reformation) connection with Shaykh Muftī Mahmūdul Hasan رحمة الله عليه. He then formed a connection with Shāh Hakīm Akthar (may Allāh سبحانه وتعالى grant him long life) and became one of his

distinguished disciples (*Khalīfah*). Many have benefitted from Shaykhul Hadīth in the line of sufism.

For this ungrateful servant to praise Shaykhul Hadīth would be a complete injustice to his rank. Therefore, I would like to mention the quotes of one of Shaykhul Hadīth's most beloved students and our honorable teacher and other contemporaries of Shaykhul Hadīth:

Muftī Muhammad Saeed Motara, senior lecturer and senior Muftī at Madrasah Arabiah Islāmiah, Azaadville, South Africa says, "My teacher, the compassionate Shaykhul Hadīth Fazlur Rahmān 'Azmī's celebrated personality is not in need of introduction. Whilst on the other hand, Shaykh's passion for knowledge and absorption in it, not only reminds one of the pious predecessors and is an invaluable asset, on the other hand, when it comes to practice and where piety is concerned, he is the *Ummah's* priceless gem. Furthermore, where he showers pearls in the classroom and in the public arena, he also flies the flag of Ilyās (may Allāh ﷻ have mercy on him) in the field of

Da'wah and *Tablīgh*, where he is a champion of the prophetic mission."

Shaykhul Hadīth once visited Hadrat Shaykh Ahmed Partābaghdī رحمة الله عليه, Hadrat was resting and out of respect Shaykhul Hadīth sat next to his feet, immediately Hadrat shifted his feet away from Shaykhul Hadīth. When Shaykhul Hadīth was parting Hadrat gifted a new 10 rupee note to him (this was out of the love and respect that Hadrat had for Shaykhul Hadīth).

Shāh Hakīm Akthar (may Allāh سبحانه وتعالى grant him long life), mentioned in a letter written to Shaykhul Hadīth, "Your beloved letter has delighted the heart and caused the soul to experience a state of ecstasy. Congratulations are in order for your loving zeal."

Muftī Muhammad Fārūq Mīrathī (May Allāh سبحانه وتعالى grant him a long life) writes. "From amongst the scholars is Maulānā Fazlur Rahmān 'Azmī who teaches *Sahīh al Bukhārī* and who previously was the teacher of *hadīth* at Jāmiah Islāmiah Dābhel. He is worthy of mention here and of whom the term "mountain of knowledge" is most appropriate" (*Ifrīqiyā awr Khidmāt-e Faqīh al-Ummah* v1 p161).

When Shaykh Fārūq Makkī (May Allāh سبحانه وتعالى grant him a long life) visited South Africa in 1422/2001 he took time out of his busy schedule to attend Shaykhul Hadīth's lesson, after which he commented, "such a well-researched lecture is of the type that Shaykh Binnūrī رحمة الله عليه used to deliver. To find a lesson of such quality nowadays is most rare. His mere presence is a great bounty for the people of South Africa. If he was not here then perhaps the religious environment would not be as it is. May Allāh سبحانه وتعالى grant the people of South Africa appreciation for him. *Āmīn.*

Shaykh Zuhayr (of Madīnah Munawwarah) and Shaykhul Hadīth met by a pillar in Masjid Nabawī behind the *suffa* (raised platform) between Maghrib and 'Ishā prayer. At that time, Shaykh Zuhayr's son was sleeping at home (in Madinah Munawwarah) and he had a dream in which he saw Nabī Muhammad ﷺ saying to him: "You are asleep and my gathering (a gathering of *hadīth*) is taking place in my mosque!" He awoke quickly, made wudū, rushed to the mosque directly to the pillar he had seen in his dream. When he arrived, he noticed it was there that Shaykhul Hadīth was granting authorizations in *hadīth* to those present.

He informed his father of the dream who, in turn, conveyed the glad tidings to Shaykhul Hadīth who immediately began to cry. Shaykh Zuhayr obtained authorization for himself, his son-in-law, and his daughter, and later praised Shaykhul Hadīth in the following words, "The like of this Shaykh is rare, most rare." He went on and mentioned to Shaykhul Hadīth's students who were present, "hold firmly to him… firstly, because of his faith, then because of his love of Nabī Muhammad ﷺ, then because of his knowledge."

For more information concerning the remarkable life of Shaykhul Hadīth, refer to, "A brief biography of Shaykhul Hadīth Fazlur Rahmān 'Azmī", written by Shaykhul Hadīth's beloved son, Muftī 'Atīqur Rahmān 'Azmī.

We pray to Allāh ﷻ that He continues to shower His special blessings upon Shaykhul Hadīth, grant him a long life, and that we do not let history repeat itself, where we only realize what great personalities we have amongst us, after Allāh ﷻ has taken them from us. *Āmīn*.

Translator's Preface

All praise is due to Allāh ﷾ who has promised to protect His perfect and pristine religion, Islam, from any undue augmentation or any unwarranted deficiency. Who has promulgated His word, the Noble Qurān, as the differentiation between truth and false-hood. Who has sent Nabī ﷺ as the seal of prophet-hood and as a paradigm for all mankind until the Day of Judgment. Who has sent such luminaries throughout history who bore the burden of the preservation of this religion, regardless the cost. When Allāh ﷾ decided to protect the Noble Qurān, the means of *H̲uffāz* were used. When Allāh ﷾ decided to protect the *Ah̲ādīth* (narrations of Nabī ﷺ), *Muh̲adithīn* were sent. When Allāh ﷾ decided to protect the laws of Islam, Jurists were prepared.

Today the general trend of thought circulating amongst the masses is that success lies exclusively in the advancements of society. However, this notion cannot be applied across the board. It may be applicable in our worldly affairs, but in regards to religion, which is the

basis of a Muslims code of life, this concept is nothing but a false impression. The blueprint of our success has been mapped out by the contemporaries of Nabī ﷺ and those who followed suite in their approach and methodology. There will definitely be new challenges in religion which must be dealt with. However, when confronting these obstacles we cannot forget the principles laid out by such great contemporaries.

Taqlīd, which might be a new ideology to some of us, has in reality been around from the fourth year of Islām. When the jurists began to witness the degeneration of the Muslim populous, for the protection of this religion from the mass' *nafs* (base desires), they declared *taqlīd* incumbent. In this era, where following ones base desires has become the norm and searching for the "easy way out" has become the standard methodology, it has become manifest how important *taqlīd* is. This was one of the motivating factors for the author to write on this subject matter.

This monograph is actually part of a collection of researched topics by the author. This was originally prepared for the scholars in the field of Islāmic studies; therefore, terms and certain portions were not discussed

in detail. Consequently, I have, to the best of my ability, explained them in footnotes where explanation is needed. I have written a few lines introducing all the scholars that the author brings forth in this treatise. Where the author quoted from a text ambiguously, I cross-referenced the original text and quoted the content needed for easier understanding. In order for an enhanced understanding of this monograph, special attention should be given to the footnotes. If any mistake is found then it should be attributed to the translator and **not** to the author, and I humbly request one and all to relay them to me. It can be forwarded to saadk565@gmail.com.

It is only with the granted ability which Allāh ﷾ has bestowed upon me that I could translate this monograph. I thank Allāh ﷾ for giving me this opportunity and hope it will be a means of my guidance in this world and a means of my salvation in the hereafter. I would also like to thank my dearly loved parents for bestowing me with the opportunity of attaining this invaluable, Islāmic knowledge. I would like to thank my beloved Shaykh (the author of this monograph) for guiding me and shedding light upon

my darkened heart. I would like to thank all my beloved teachers for the knowledge they have parted on this lowly servant, with special regards to: Maulānā Ridwan Kajee, Maulānā Moosa Kajee, Maulānā Abdullah Dhabhelia, Muftī Masood Cassim and Maulānā Ziyad Hussain who all assisted in preparing this translation. Finally, I would like to thank my peers, who endlessly assisted me in preparing this translation, Muftī Abdullah Moola, Samir Ali, Moosa Monia, Abdul Razzaq Salyani, Muhammed Ridwaan Minty, and Muhammad Patel. May Allāh ﷻ fully reward all those mentioned and those who have not been mentioned.

Saad Khan,
8 *Safar* 1432 (17 January 2011)

What is *Taqlīd*?

DEFINITION OF *TAQLĪD*:

العمل بقول امام مـجتهد من غير مطالبة دليل او بغير معرفة دليل

To practice upon an opinion of a Mujtahid[1] without demanding any proof, nor having any prior knowledge of a proof (of the law that the *mujtahid* presents).

Taqlīd (uncritical faith in a source's authoritativeness) is not founded upon such a law which was decreed by the Noble Qurān and *Ahādīth* (narrations of Nabī Mu<u>h</u>ammad ﷺ) in a q*atī'*

1 *Mujtahid*: A qualified scholar i.e. Who posseses in depth knowledge in the sciences of the Arabic language including all of its branches (etymology, morphology, grammar, etc.), *balāghat* (eloquence, rhetoric). He is informed of the laws extracted from the Noble Qurān and *Sunnah,* even though he has not necessarily memorized all of their texts. He knows in which laws to make *ijtihād*. He is well aware of those verses of the Noble Qurān which have been abrogated and those verses which abrogates, and supersedes, other verses. He has knowledge of the motivating events behind the revelation of the Qurānic verses. He knows the condition of the narrators of *<u>H</u>adīth* and is well informed in other sciences besides these. [*Al Mu<u>s</u>tala<u>h</u>āt wa Alfā<u>z</u> Al Fiqhiyya* - Ma<u>h</u>mūd 'Abdur Ra<u>h</u>mān 'Abdul Muni'm, vol. 3 p. 217]

(undisputable) manner[1]. Instead, *taqlīd* will only be made of a *mujtahid* (expert jurist), when the law is incomprehensible because of it being: abstract, ambiguous, or contradictory. By means of an example, the obligations of, the five *s̲alāt*, fasting, the giving of *zakāh*, and *H̲ajj* all have *qatī'* proofs. Therefore, *taqlīd* and *ijtihād*[2] are not necessary in these instances. In the same manner the prohibitions of stealing and adultery are established through *qatī'* proofs. On the contrary, *taqlīd* will be necessary in such a law wherein there is ambiguity, vagueness, or "apparent" contradiction. An example of ambiguity is, what is meant by the word *qurū,*[3] in the verse:

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[1] *Qatī'* proof: such a proof in which there is no possibility of doubt being created regarding that law which it proves. [*Al Mus̲talah̲āt wa Alfāz̲ Al Fiqhiyya* - Mah̲mūd 'Abdur Rah̲mān 'Abdul Muni'm, vol. 3 p. 104]

[2] *Ijtihād*: To do research in an Islamic law to the extent that, apparently no more research can be done. [*Qāmūs al Fiqh* - Maulānā Khālid Sayfullāh Rah̲mānī vol. 1 p. 503]

[3]*Qurū*: The verse has stipulated that the waiting period for a divorced woman, in order to remarry is three *qurū*. The word *qurū* in the Arabic language is a word with dual meaning, either the monthly menstrual period (*h̲ayd̲*) or the time of purity between the monthly period *(t̲uh̲r).* If the former meaning is taken, then the ruling would be that the divorced woman should wait for three menstrual cycles (*h̲ayd̲*) to elapse. If the latter meaning is taken then the ruling would be that the divorced woman should wait the period between her

وَالْـمُطَلَّقَاتُ يَتَرَبَّصْنَ بِأَنْفُسِهِنَّ ثَلاثَةَ قُرُوءٍ

"Divorced women should wait (abstain from marriage) for three qurū"

[Sūrah al Baqarah (the Cow) 2: 228]

An example of vagueness can be found in the law of *muzāra'ah*[1] (temporary crop sharing contract). Due to the different possible types of this partnership, *ijtihād* is necessary to determine which type is permissible and which is impermissible. An example of "apparent" contradiction can be found in the narrations regarding whether the Noble Qurān should be recited behind the *imām* (person who leads the people in congregational prayer) or not. Which circumstance is meant by which narration?[2] For these problems to be solved, *taqlīd* is

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menstrual cycles *(ṯuẖr)* to have expired. The question is which one of these two meanings is applicable? [The legal status of following a *madhhab* - Muftī Taqī 'Uthmānī, p. 9]

[1] *Muzāra'ah:* A specific kind of farming in which an agreement is made by a land lord and a farmer, who is hired by the land lord, to cultivate his land. The agreement stipulates the amount of produce which is to be divided by each party. There were several forms of *muzāra'ah* practiced during the time of Nabī ﷺ. Again, the question arises, which form will one practice upon? [The legal status of following a *madhhab* - Muftī Taqī 'Uthmānī, p.9]

[2] Nabī ﷺ has mentioned in a narration, "whoever has an *imām*, then the *imām's* recitation suffices for his recitation." [*Muatta Imām Muẖammad* p. 96]. This seems to indicate that while the *imām* is reciting in *ṣalāt*, the follower

necessary, so that the ambiguity can be resolute, the vagueness can be clarified, the seemingly "apparent" contradiction can be removed and preference can be given to one narration.

The Necessity of *Taqlīd*

There are two possible options when abiding by a law wherein *taqlīd* is implemented. The first is that we interpret the law according to our own intellect and knowledge. When it is a known fact that our knowledge of the Noble Qurān and *H̲adīth* is rudimentary, our intellect is weak, and at all times we are in danger of falling prey to our base desires (*nafs*). To abide by a law with our inadequate understanding is noticeably very dangerous. The second option is to rely on the knowledge and intellect of our pious predecessors, who were very close to the era of Prophethood. Their

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should remain silent. However in another narration Nabī ﷺ mentions, "There is no *s̲alāt* for he who does not recite *Sūrah al Fātih̲ah.*" [*S̲ah̲īh̲ al Bukhārī* vol. 1 *h̲adīth* no. 723]. The question arises whether the first narration should be taken as a primary source, referring to the *imām*, or the one who offers *s̲alāt* individually, and the second narration as collaborating evidence; or should we make the second narration as the base, and the first narration a reference to the *imām's* recitation after the *imām* recites *Sūrah al Fātih̲ah*? [The legal status of following a *madhhab* - Muftī Taqī 'Uthmānī, p.10]

knowledge in relation to ours is worlds apart. They were part and parcel of the era of *khayr ul Qurūn*[1]. By being a part of it, they became a manifestation of *taqwa* (devoutness) and piety. They spent their entire lives in acquiring (the) divine knowledge and delving into its research. When the contemporaries of these eras assert preference to one circumstance over another in a law (in which there is seemingly apparent contradiction), through their understanding of the Noble Qurān and *Hadīth*, will be much more accurate than our judgment. This is an irrefutable fact.

We do not hold the capability nor do we meet the criteria to extract laws from the Noble Qurān and *Hadīth*. Therefore we are forced to suffice on the research of a *mujtahid imām* (an expert jurist), and practice upon his conclusion without demanding a proof from him. This is called *taqlīd*.

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[1] *Khayr ul Qurūn*: Nabī Muhammad ﷺ has reported to have mentioned, "The best of my *ummah* (Muslim nation) is my era, then those who follow, then those who follow."*[Sahīh al Bukhārī Hadīth 3650]* This refers to the *Sahābah* (first generation, who saw Nabī ﷺ), then the *tābi'īn* (second generation, who saw the *Sahābah*), then the *tab'at tābi'īn* (third generation, those who saw the *tābi'īn*)

The necessity of accepting *taqlīd* is the same across the board, whether amongst the laymen or amongst the learned scholars of today, because neither possess the ability of *ijtihād*. For a scholar to deduce a proof which coincides with the opinion of the school of thought is not in negation of *taqlīd*. This is because the scholars first accepted an opinion of a *mujtahid imām*, then through his opinion, deduced a proof. Therefore, this recognition will also be rendered as incomplete.

Objection

An objection can be raised that, to follow a scholar without seeking a proof is *shirk* (polytheism).

Allāh ﷻ has mentioned in the Noble Qurān:

قَالُوا بَلْ نَتَّبِعُ مَا أَلْفَيْنَا عَلَيْهِ آبَاءَنَا

"They (the disbelievers) say, but we wish to follow that which we found our forefathers doing."
[Sūrah al Baqarah (the Cow) 2:170]

It comes in the narration of 'Adī bin Hātim رضي الله عنه that Nabī ﷺ mentioned, "The Jews gave their scholars the right to assert something permissible as impermissible. When their scholars would assert something permissible, they would accept it to be

permissible. When their scholars would assert something as impermissible, they would accept it to be impermissible."

This is why Allāh ﷻ mentioned:

اتَّخَذُوا أَحْبَارَهُمْ وَرُهْبَانَهُمْ أَرْبَابًا مِنْ دُونِ اللهِ

"They take their rabbis and their monks as gods besides Allāh"

[Sūrah at Taubah (Repentance) 9: 31]

Answer

The incorrect and unacceptable *taqlīd* which is mentioned in this verse is regarding *I'tiqādiyyāt* (fundamental beliefs), which have a *qat'ī* proof. This is not an appropriate occasion for *taqlīd* to be made. The disbelievers discarded that which Allāh ﷻ revealed in their scriptures and made *taqlīd* of their ancestors. This is why Allāh ﷻ has mentioned:

أَوَلَوْ كَانَ آبَاؤُهُمْ لا يَعْلَمُونَ شَيْئًا وَلا يَهْتَدُونَ

"Even though their forefathers did not understand anything (did not possess the relevant knowledge) and were not rightly guided (had no divine knowledge)"

[Sūrah al Mā'idah (the Set Table) 5:104]

From this it can be concluded that if our fore fathers are on the straight path, then there will be no harm in making their *taqlīd*.

Nabī Yūsuf ﷤ has mentioned:

وَاتَّبَعْتُ مِلَّةَ آبَائِي إِبْرَاهِيمَ وَإِسْحَاقَ وَيَعْقُوبَ

"I have adopted the religion of my fore fathers (who were) Ibrāhīm, Is<u>h</u>āq, and Ya'qūb" [Sūrah Yūsuf 12:38]

Allāh ﷻ mentions in another place:

وَالَّذِينَ آمَنُوا وَاتَّبَعَتْهُمْ ذُرِّيَّتُهُم بِإِيمَانٍ أَلْحَقْنَا بِهِمْ ذُرِّيَّتَهُمْ وَمَا أَلَتْنَاهُم مِّنْ عَمَلِهِم مِّن شَيْءٍ

"The believers who do good deeds and whose progeny (families who are believers as well) follow them in imān (faith), we shall join their progeny with them in Jannat (paradise) without reducing anything from their good deeds"

[Sūrah <u>T</u>ūr (Mount <u>T</u>ūr) 52: 21]

The *muqallidīn* (those who follow a *mujtahid*) accept the sayings of the *mujtahidīn* (expert jurists) in the explanation of that which Allāh ﷻ revealed. They do not accept it as a proof on its own, independent of the Noble Qurān and *Sunnah*. Instead, they intend to

practice upon the Noble Qurān and *Sunnah* (through the eyes of a *mujtahid*).

Ibn Nujaym[1] رحمة الله عليه and others have used these words while defining *taqlīd*:

العمل بقول من ليس قوله من احدى الحجج بلا حجة

"To practice upon an opinion of a mujtahid without (seeking) a proof, (however, at the same time) not considering his opinion in its entirety to be a proof from amongst the proofs of Sharī'at."

This confirms that the opinion of a *mujtahid* is not considered to be a proof by itself (void of the Noble Qurān and *Sunnah*).

The answer to the narration of 'Adī bin H̲ātim رضي الله عنه is clear. The Jews accepted their scholars in reality to be those who declare matters as permissible and impermissible. This status and rank is not even given to Nabī Muh̲ammad ﷺ. So then, how can this rank be given to the *mujtahidīn*? The Messengers were the ones

[1] Zayn ud Dīn bin Ibrāhīm bin Muh̲ammad bin Muh̲ammad bin 'Umar bin H̲usayn was famously known as Ibn Nujaym. He was born in the year 970 A.H. He is the author of *Al Ashbāh wa An Naz̲āir* and *Al Bah̲r ur Rāiq*. [*Mu'jam al Muallifīn* vol.4 p.192]

who informed their *ummah* (nation) what is permissible and impermissible, not the ones who in reality declared a matter as permissible and impermissible (Allāh ﷻ was the one who declared it).

The *mujtahidīn* merely extracted the laws from the Noble Qurān and *H̲adīth* and thereafter informed the masses concerning the derived rulings. No one believes the *mujtahidīn* to be a *shāri'* (arbitrator) or *ma'ṣ̱ūm* (sinless, free from mistake). Some great scholars have even discarded the sayings of certain *mujtahidīn*. For these great scholars, it is permissible to discard the rulings of the *mujtahidīn* on condition that, their *ijtihād* is solely done for the sake of Allāh ﷻ and not for any corrupt reason.

Proofs of the Necessity of *Taqlīd* from the Noble Qurān

1) Allāh ﷻ mentions in the Noble Qurān:

يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللهَ وَأَطِيعُوا الرَّسُولَ وَأُولِي الأَمْرِ مِنْكُمْ

"O you who have imān (faith), Obey Allāh, Obey Rasūl ﷺ, and those in command amongst you (your leaders and

authorities in all fields, such as the imāms of jurisprudence in fiqh)." *[Sūrah an Nisā (Women) 4: 59]*

It is the opinion of some *mufassirīn* (commentators of the Noble Qurān) that by "*u lil amr"* (in the above mentioned verse) leaders are meant. Others say it means the *"a'immah mujtahidīn"* (leaders amongst the expert jurists). This is in conformity with the opinion of many *Sahābah* ﷺ (companions of Nabī Muhammad ﷺ). Imām Rāzī رحمة الله عليه[1] has given the latter preference.[2] From this, *taqlīd* can be proven. Allāh ﷻ then mentions:

فَإِنْ تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللهِ وَالرَّسُولِ

"If you dispute regarding any matter, then refer it to Allāh ﷻ *(find the solution in the Noble Qurān) or Rasūl* ﷺ *(or find the solution in the Sunnat)."*

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[1] Imām Rāzī رحمة الله عليه: Fakhr ud Dīn Rāzī Abū 'Abdullāh Muhammad bin 'Umar bin Husayn was born in the holy month of *Ramadān* in 545 or 546 A.H. He was from amongst the great scholars of his time in the sciences of jurisprudence, linguistics, logic, rhetoric, and many other sciences. He is the author of the famously accepted commentary of the Noble Qurān *"Tafsīr Kabīr"*. He passed away in the year 606 A.H. [extracted from the forward of *Tafsīr Kabīr*]

[2] Imām Rāzī رحمة الله عليه writes, "…So taking those of *"amr"* to mean scholars is more appropriate". [*Tafsīr Kabīr* vol. 10 p.135]

[Sūrah an Nisā (Women) 4:59]

This means that if the *"a'immah mujtahidīn"* have difference of opinion in a law then they should turn to Allāh ﷻ and Nabī Mu<u>h</u>ammad ﷺ. The addressees in this verse are the *mujtahidīn* and rightfully so, they conformed to this (by depleting their time and resources to extract solutions from the Noble Qurān and *Sunnah)*. The layman cannot be the addressee in this verse because of his lack of capability to turn to Allāh ﷻ and Nabī Mu<u>h</u>ammad ﷻ (to extract laws and find a solution). Nawāb <u>S</u>iddīq <u>H</u>asan رحمة الله عليه has also made this fact evident (that the addresses are the *mujtahidīn*).[1]

Allāh ﷻ mentions in the Noble Qurān*:*

وَإِذَا جَاءَهُمْ أَمْرٌ مِنَ الأَمْنِ أَوِ الْـخَوْفِ أَذَاعُوا بِهِ وَلَوْ رَدُّوهُ إِلَى الرَّسُولِ وَإِلَى أُولِي الأَمْرِ مِنْهُمْ لَعَلِمَهُ الَّذِينَ يَسْتَنْبِطُونَهُ مِنْهُمْ

"When (news of) any matter of peace or fear comes to them (the hypocrites and the ignorant Muslims), they

[1] Nawāb <u>S</u>iddīq <u>H</u>asan Khān رحمة الله عليه was a famous "*Ahle-<u>H</u>adīth*" scholar. He acknowledges that the addressee in this statement ("if you dispute") is referring to the *mujtahidīn.* He writes in his *tafsīr*: "It is apparent that this is a separate and new addressee directed towards the *mujtahidīn."* [*Tafsīr Fat<u>h</u> al Bayān* vol. 2 p. 308 printed by *Al Asima,* Cairo] Extracted from "the legal status of following a *madhab*" by Muftī Taqī 'Uthmānī, p.17.

(immediately) broadcast it (thereby causing harm to the Muslims). If they had (first) referred the matter to Rasūl ﷺ and to those of them who have understanding (to the learned Muslims with insight), it would surely be known to those of them who investigate (verify) the matter (they would know whether the matter needs to be publicized or not)."

[Sūrah an Nisā (Women) 4:83]

This verse was revealed regarding a specific occasion. However, by applying the principle:

العبرة لعموم الالفاظ لا لـخصوص الموارد

"The consideration is for the general meaning of the text and is not limited to its specific background incident"

Consideration will be given to the generality of the text. We can come to a conclusion that the researchers can determine an accurate outcome from a *"khabar"* (incident)[1]. It will be preferable for the masses

[1] *Khabar* (incident): In the above mentioned context refers to a present day incident for which a law is needed for verification which apparently cannot be found in the Noble Qurān and *Sunnah.* Therefore, the scholars are required to probe into the Noble Qurān and *Sunnah* to extract a ruling.

to turn to them. Abū Bakr Jassās[1] رحمة الله عليه has used this verse as a proof for establishing *taqlīd.*[2]

2) Allāh ﷻ mentions in the Noble Qurān:

فَلَوْلا نَفَرَ مِنْ كُلِّ فِرْقَةٍ مِنْهُمْ طَائِفَةٌ لِيَتَفَقَّهُوا فِي الدِّينِ وَلِيُنْذِرُوا قَوْمَهُمْ إِذَا رَجَعُوا إِلَيْهِمْ لَعَلَّهُمْ يَحْذَرُونَ

"Why does a small group from every large party not proceed to attain a deep understanding of deen (which is fard kifāyah[3])? So that, they may warn their people (who had gone out in an expedition) when they return to them so that they may beware (of sin)? [Sūrah Taubah (Repentance) 9:122]

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[1] Abu Bakr Jassās Rāzī رحمة الله عليه was born in the year 305 A.H. Khatīb Baghdādī رحمة الله عليه has said concerning him, "He was a leader amongst the students of Imām Abu Hanīfah رحمة الله عليه in his era, and he was famous for abstinence." He is the author of *Ahkām ul Qurān*, the accepted commentary of the Noble Qurān, dealing mainly with the laws of jurisprudence deduced from it. He passed away in the year 370 A.H. [Extracted from the forward of *Ahkām ul Qurān*]

[2] He writes, "From this verse we can conclude that it is incumbent upon the layman to make *taqlīd* of the scholars in present day *masā'il* (laws)." [*Ahkām ul Qurān* Abu Bakr Jassās Rāzī, v. 2 p. 215]

[3] Fard Kifāyah: collective obligation i.e. when the requisites are established in a community then it will suffice for every resident of that area. [*Mu'jam Lughat al Fuqahā*– Muhammad Rawās and Hāmid Sādiq, p.343] When it is not established in a community then the entire community will be held accountable.

From this we can deduce that the group which learns the laws of Islam will teach the other group (which went out in an expedition). They will accept and act upon the first group's advices. This in itself is *taqlīd*. Imam Bukhārī رحمه الله[1] uses this to substantiate that a *"khabar wā<u>h</u>id"* can be used as a proof (in Islām).[2]

3) Allāh سبحانه وتعالى mentions in the Noble Qurān:

فَاسْأَلُوا أَهْلَ الذِّكْرِ إِنْ كُنْتُمْ لا تَعْلَمُونَ

"Ask those who have knowledge (of the previous scriptures) if you do not possess any knowledge (of the subject)."

[Sūrah Ambiyā (The Messengers) 21:7]

From the generality of the verse we can come to a conclusion that every layman should turn to the learned scholars and accept what they say. This is *taqlīd*!

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[1] Imām Bukhārī رحمه الله: He was born in the month of *Shawwāl*, 194 A.H. The scholars are unanimous that the most reliable and authentic compilations of *<u>H</u>adīth* are *<u>S</u>a<u>h</u>ī<u>h</u> Bukhārī* and *<u>S</u>a<u>h</u>ī<u>h</u> Muslim*. There is also consensus of opinion that *<u>S</u>a<u>h</u>ī<u>h</u> Bukhāri* is more authentic in comparison *to <u>S</u>a<u>h</u>ī<u>h</u> Muslim* [Introduction to the commentary of *Bukhārī* of Nawawī p. 39). He passed away on the night of '*īd al-fitr*, 256 A.H.]

[2] If one person remains behind from the group mentioned in the verse, then, when the people come back from their expedition, they will follow and accept what this individual says. This is how Imām Bukhāri رحمه الله proves that a *khabar wā<u>h</u>id* can be used as a proof in Islām.

The *ghayr muqalidīn* (rejecters of *taqlīd)* also accept the fact that *taqlīd mu<u>t</u>laq* (general *taqlīd*) is *far<u>d</u>* (compulsory). Our disagreement with them is regarding the ruling of *taqlīd shakhsī* (*taqlīd* of an individual). For reference turn to *Mi'yār al <u>H</u>aq p.41, Ishā'at al Sunnah p. 126, Tārīkh ahl al <u>H</u>adīth p. 125.*

Proofs of the Necessity of *Taqlīd* from the *A<u>h</u>ādīth*

1) It has been narrated regarding the virtue of <u>H</u>a<u>d</u>rat Abū Bakr ﷺ and <u>H</u>a<u>d</u>rat 'Umar ﷺ that Nabī Mu<u>h</u>ammad ﷺ mentioned:

فاقتدوا بالذين من بعدي ابي بكر و عمر

"Follow these two after me: Abu Bakr and 'Umar"

(Tirmidhī v.2 p.206)

In this narration there is an order from the side of *Sharīa'h* (Islām) to follow <u>H</u>a<u>d</u>rat Ab<u>u</u> Bakr ﷺ and <u>H</u>a<u>d</u>rat 'Umar ﷺ. Is this not *taqlīd*?

2) It has been narrated in *Bukhārī* that Nabī Mu<u>h</u>ammad ﷺ mentioned:

ائتمو بي وليأتم بكم من بعدكم

"Follow me (by observing what I do) and those after you will follow you (by observing what you do)." (Bukhārī v.1 p.99)

Two meanings can be deduced from this narration. One is that this narration is specific with *salāh* (prayer). Those who are praying *salāh* behind in congregation should follow those in front of them. The second interpretation of the narration is that those who come later should follow those who were before them. For example, the *Tābi'īn* (those who saw the *Sahābah* ﵃) should follow the *Sahābah* ﵃ (those who saw Nabī Muhammad ﷺ) and *Tabi' Tābi'īn* (those who saw the *Tābi'īn*) should follow the *Tābi'īn* and so on and so forth, thus proving *taqlīd*!

3) It comes in a narration that Nabī Muhammad ﷺ mentioned:

عليكم بسنتى و سنة الـخلفاء الراشدين المهديين تمسكوا بها و عضوا عليها بانواجذ

"Hold steadfast to my practice and to the practice of the rightly guided caliphs. Hold fast to it and cling on to it with your molars."

[Abu Dā'ūd v.2 p.635, Tirmidhī v.2 p.96, Ibn Mājah p.5]

The *taqlīd* of each of the *Khulafā rāshidīn*[1] (rightly guided caliphs) is proven from this narration. To hold fast to their *sunnat* (practice) is to hold fast to the *sunnat* (practice) of Nabī Muhammad ﷺ. This is why the *"damīr"* in بــــها is singular and not dual.[2] From this *taqlīd mutlaq* (general *taqlīd*) is proven.

One type of *taqlīd mutlaq* (general *taqlīd*) is *taqlīd shakhsī* (*taqlīd* of an individual). This is also proven by this narration.

Proofs of *Taqlīd* of an Individual

There are two types of *taqlīd*. (1) *taqlīd shakhsī* (*taqlīd* of an individual) (2) *taqlīd ghayr shakhsī* (when one does not restrict himself to *taqlīd* of an individual). When *taqlīd mutlaq* itself is proven, these two types are automatically established. By choosing anyone of these two, one will be fulfilling a *fard* (compulsory) law. It will be incorrect for someone to say that *taqlīd ghayr*

[1] Khulafā Rāshidīn: the rightly guided caliphs are as follows – Abū Bakr ؓ, 'Umar ؓ, 'Uthmān ؓ, and 'Alī ؓ.

[2] The particle ها in بــها after the word تمــسكوا refers to the singular tense and not the dual tense. This proves that the *sunnat* (practice) of the rightly guided leaders and Nabī Muhammad ﷺ is one and the same thing. If they were different then the dual tense should have been brought.

shakhsī is *fard* (compulsory) and *taqlīd shakhsī* is either impermissible or "just" on the level of mere permissibility.

The followed four *imāms*[1] are of the opinion that the layman should adhere to one *mujtahid* imām (expert jurist). We shouldn't "pick and choose", in the sense that in one law we take one *imām's* opinion and in another law, we take another *imām's* opinion. In this there is a great fear of falling prey to our carnal desires. For the reason of administrative purposes[2] *taqlīd shakhsī* was declared *wājib* (necessary).

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[1] The followed four imāms are as follows: 1) Imām Abū Hanīfah رحمة الله عليه 2) Imām Shāfi'ī رحمة الله عليه 3) Imām Mālik رحمة الله عليه 4) Imām Ahmad bin Hambal رحمة الله عليه.

[2] In order to establish the reasons and benefits of the systemization of *fiqh* (jurisprudence), the following premise has to be comprehended: There are two groups. The first group is; following one's desires and passions while understanding the **differentiation** between *halāl* (permissible) and *harām* (impermissible), yet faltering in adhering to the dictates of *halāl* and *harām*. Following one's desires and passions in itself is a grave sin and a grave form of misguidance, however there still remains the prospect that such people may repent (due to their ability to differentiate between *halāl* and *harām*, right and wrong). Now, the second group is; following one's desires and passions to the extent that they believe what is *halāl* (permissible) to be *harām* (impermissible), and what is *harām* (impermissible) to be *halāl* (permissible), this is much more disastrous in comparison to the first group. Disobedience of this nature is fatal and makes religion and law a mere sham. The people are submerged in a sin which is far more serious than that from the first group (due to the doors of

To understand this, an example is: the Noble Qurān was revealed in seven different dialects, and every dialect is sufficient (in regards to the demands or usage of the Noble Qurān). However, Hadrat 'Uthmān ﷺ compiled some *Mushafs* (Qurāns in book form) and authorized for the un-compiled verses written in different dialects which were in circulation to be burnt (which was unanimously agreed upon by the *Sahābah* ﷺ and made *taqlīd* of). The reason 'Uthmān ﷺ did this, was to save the ummah (the Muslim masses at large) from disunity.[1]

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repentance being closed). The doors to such evil obviously must to be avoided at all costs as does the path which facilitates it (not adhering to one particular *imām*). The jurists were concerned at the decay of piety and devoutness amongst the Muslim populous. They (correctly deduced and) feared that the subsequent generations' ethics would not be as elevated as the (prophesized) first three generations. If under these circumstances the door of following an *imām* in general was unconditional, inadvertently desires would become the commanding principle. [Legal status of following a *madhab*-Muftī Taqi 'Uthmānī, p. 50]

[1] 'Uthmān ﷺ perceived that failure to standardize the Noble Qurān would bring about a state of chaos and commotion in successive generations. 'Uthmān ﷺ (along with the consensus of the *Sahābah* ﷺ) annulled writing the Noble Qurān in different scripts (dialects), keeping the benefit of the Muslim community in mind. The order of the *sūrahs* (chapters) was also standardized. He issued this decree throughout the Muslim world and had all the other copies of the Noble Qurān discarded. 'Uthmān ﷺ united the Muslim

By the afore-mentioned proofs, no doubt is left in the permissibility of *taqlīd shakhsī*. The following are even more proofs to establish *taqlīd shakhsī*.

Imām Bukhārī ﷀ narrates that the people of Madīnah asked Ibn 'Abbās ﷠ about a woman who – during *hajj* - makes her first *tawāf* (circumambulation of the *Ka'bah*) and then enters her menstrual cycle before she can make her final *tawāf*. Ibn 'Abbās ﷠ told them that she could go home without completing her final *tawāf*. The people of *Madīnah* replied, "We will not abide by your opinion over the opinion of Zayd bin Thābit ﷠" (meaning we will practice upon the opinion of the jurist of our city).[1] Ibn 'Abbās ﷠ replied, "Go and refer back to your local scholars regarding the ruling

community on a standard script. This incident is an example of following one particular scholar and imam. The action of 'Uthmān ﷠ proves that if the Muslim community decides to adopt a certain way – out of several- to achieve an ideal (like reciting or writing the Noble Qurān in a standard script), they may eliminate the other possible practice (like reciting in different dialects) if there is a greater benefit for the Muslim community and consequently avoidance of harm. This same principle applies in the case of restricting *taqlīd*, to following one particular scholar rather than following many. [Legal status of following a *madhab*- Muftī Taqī 'Uthmānī, p.60-62]

[1] If this is not making *taqlīd* of an individual, then it begs the question, what is?

of this law." They then asked Umm-e-Salamah *ra<u>d</u>iyallāhu anha*, she replied in accordance with Ibn 'Abbās ﷺ. [*Bukhārī* v.1 p.237]

This has also been established by a narration from 'Ā'ishah *ra<u>d</u>iyallāhu anha.* <u>H</u>a<u>d</u>rat Ibn 'Umar ﷺ was not aware of this ruling as well, he was informed later on. <u>H</u>a<u>d</u>rat Zayd ﷺ said that she can go, and then retracted from this ruling. (We learn from this ruling that the people of Madīnah held firm to the ruling of the jurist of their city, <u>H</u>a<u>d</u>rat Zayd ﷺ)

Imām Bukhārī رحمة الله عليه mentions a quote of <u>H</u>a<u>d</u>rat Abū Mūsā Asha'rī ﷺ:

لا تسئلوني ما دام هذا الـحبر فيكم

"Do not ask me as long as this great scholar (Ibn Mas'ūd ﷺ) is amongst you".[1] *[Bukhārī* v.2 p.997*]*

[1] The fact that Abū Mūsa ﷺ acknowledges the superior knowledge of 'Abdullāh bin Mas'ūd ﷺ and actually instructed others to ask him all their questions concerning Islāmic law, this is in fact a mandate for following an individual. This proves that the *<u>S</u>a<u>h</u>ābah* ﷺ were not unfamiliar with *taqlīd* of an individual.

This means that only ask Ibn Mas'ūd ﵁ regarding Islāmic law. Is this not *taqlīd shakhsi*?

Like this, there are many proofs of *taqlīd shakhsī*. The conclusion is that there is no doubt left in the permissibility of *taqlīd shakhsī*. It has become like the famous Arabic saying,

اظهر من الشمس

"(The permissibility) is more apparent than the sun."

In the time of the *Sahābah* ﵃, both *shakhsī* and *ghayr shakhsī* were prevalent. The latter scholars of the 4th century *hijrī* declared it *wājib* (incumbent). This decision was made due to greater administrative purposes. They took into consideration that if *taqlīd shakhsī* is not made incumbent, then our *nafs* (carnal desires) will always be looking for "the easy way out." There are opinions of scholars which defer from the majority, if *taqlīd shakhsī* is not declared *wājib* then the people will incorrectly accept and practice upon their (the scholars) minority opinions and excite their *nafs* (carnal desires) by following those opinions.

Some scholars have said:

من اخذ بنوادر العلمـاء خرج من الاسلام

"The one who holds fast to an opinion which differs from the majority has left the fold of Islām."
[*Muqadamah Tirmidhī*-Mufti Taqī 'Uthmānī]

Shaykh ul Islām Sulaymān Taymī[1] رحمة الله عليه has said:

لو اخذت برخصة كل عالـم او زلة كل عالـم اجتمع فيك الشر كله

"If you take the concessions or mistakes of every scholar, then evil in its entirety will find place in you."
[Tadhkirah v.1 p.142, *Maqālāte Abū al-Maāthir* p.406, *Jāmiu' Bayānal-'Ilmi wa Fadlihī* v.2 p.92]

Shāh Waliullāh[2] رحمة الله عليه says regarding this subject:

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[1] Sulaymān bin Tarkhan Taymī رحمة الله عليه was a *tabi'ī* (one who saw the *Sahābah* رضي الله عنهم). He was from Basrah. Ibn Sa'd رحمة الله عليه mentions regarding him, "he was from amongst the *mujtahidīn*." Yahyā رحمة الله عليه mentions, "I have not been in the company of anyone who contains more fear of Allah جل جلاله than him." He passed away in *Dhul Qa'dah* of 143 A.H. [*Atahzīb* - Hāfiz Shihāb ud Dīn, vol.3 p.486]

[2] Shāh Waliullāh رحمة الله عليه was born in the year 1703. He was the greatest advocate and pioneer of the Islāmic revival movement in India. He spent his whole life in the service of Islām. His services rendered to Islām are fully recognized. All his efforts were directed to bringing the Muslims closer and effecting unity amongst them. He passed away in the year 1762. [Great personalities of Islām-Badr Azim Ābādī p.123]

و كان هذا هو الواجب في ذالك الزمان

"This is wājib (incumbent) in this time and era.

[*al-Insāf* p.59]

He then says: *Wājib* is of two types.

1) واجب لعينه (*wājib li'aynihī*)

2) واجب لغيره (*wājib lighayrihī)*

Wājib li'aynihī is that law which was made incumbent during the time of Nabī Muhammad ﷺ. There can be no addition to such laws. *Wājib lighayrihī* is a law that in itself is not incumbent, however because of an outside factor; this is the only way to suitably fulfill this law. This can be understood through an example. To acquire the knowledge of Islam is *wājib* (incumbent). If it was not possible to fulfill this *wājib* except by establishing Islāmic schools, then this establishment would be *wājib* as well.

Hadrat Shaykh ul Hadīth Maulānā Muhammad Zakariyyā[1] رحمه الله mentions: *Taqlīd shakhsī* is not an order

[1] Shaykh ul Hadīth Maulānā Muhammad Zakariyyā was born in the year 1315 A.H. He was the author of 83 books including a commentary of *Shamāil Tirmidhī*. He possessed an unparallel devotion to Allāh ﷻ and would remain

stipulated by *Sharī'ah* (Islām), instead it was decreed keeping the benefit of *Sharī'ah* (Islām) in mind. In history, a resemblance of this is the decision of Hadrat 'Uthmān ﷺ to burn all the copies of the different dialects of the Noble Qurān except one. This was done to save the *Ummah* (Islāmic nation) from disunity. In the same manner to save the *Ummah* (Islāmic nation) from following their carnal desires, the decision was made of making *taqlīd shakhsī wājib* (incumbent).

Similar to this Hadrat Rashīd Ahmad Gangohī[1] رحمة الله عليه writes: Listen attentively, the benefit of the masses in abiding by *taqlīd shakhsī*, and this being a means for the removal of *fitnah* (discord) amongst the masses is apparent… then at this time because of such people, *ghayr shakhsī* will be declared impermissible and *taqlīd shakhsī* as *wājib* (incumbent). This is called *wājib lighayrihī*. It was permissible, but because of an outside factor *ghayr shakhsī* became impermissible and *taqlīd*

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awake a major portion of the night. He passed away in the year 1402 A.H. [Muslim scholars of the 20th century- Shaykh Shoayb Ahmad, p.325]

[1] Hadrat Maulānā Rashīd Ahmad Gangohi رحمة الله عليه was born in the year 1244 A.H. He was a scholar, an authority on matters of *sharī'ah* and *tarīqah*, and a staunch follower of *sunnah*. He passed away in the year 1323 A.H. [ibid p. 16]

shakhsī incumbent and necessary. (Refer to *Taqlīd wa Ijtihād* the author of which is Maulānā Masīhullāh Khān رحمة الله عليه)

Hadrat Thānwī[1] رحمة الله عليه mentions: five matters are unanimously understood to be necessary. If *taqlīd shakhsī* is abandoned then a discrepancy will be created in these five matters. That which aides in fulfilling a *wājib* (incumbent) law is also *wājib* (incumbent). (1) To maintain a sincere intention in our actions and in acquiring knowledge. (2) To keep Islām predominant over our carnal desires (i.e. to keep our carnal desires subordinate to Islām and not vice versa.) (3) To keep ourselves safe from such actions in which we have a strong fear that it will harm our *dīn* (religion). (4) Not to differ from the *ijmā'* (consensus) of those people who are on the straight path. (5) Not to leave the fold of Islām. To a considerable extent *taqlīd shakhsī* will put a stop to this. [*al-Iqtsād* p.39]

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[1] Hadrat Maulānā Ashraf 'Alī Thānwī was born in the year 1280 A.H. This great scholar was responsible for a great scholarly and religious awakening in India. He was a person who dedicated his life towards serving Islām. He is probably the scholar in this century with the most written books. He wrote about 1000 books. These include both small booklets and voluminous books. He passed away in the year 1362 A.H. [ibid p.128]

Shāh Waliullah Mu<u>h</u>addith Dehlawī رحمة الله عليه writes:

و في ذالك التقليد من الـمصالح ما لا يـخفى لا سيمـا في هذه الايام التي قصرت اليهم جدا و شربت النفوس الـهوى و اعجب كل ذى رءى برئيه

"The benefits which are in taqlīd are manifest. Even more so, in this era, when the people's will power has become so weak and people have become slaves to their desires. Every person is self conceited with his own opinion."
[*<u>H</u>ujjat Allāh wa al-Bālighah* v.1 p.123]

He also writes:

اعلم ان فى الاخذ بـهذه الـمذاهب الاربعة مصلحة عظيمة و في الاعراض عنها مفسدة كبيرة

"Note well, there are great benefits in following the four schools of thought and in abandoning them there is a great evil." [*'Aqd al-Jīd p.36]*

The Testimony of Maulānā <u>H</u>usayn Batalwi رحمة الله عليه

A famous "*Ahle <u>H</u>adīth* " scholar – Maulānā <u>H</u>usayn Batālwī رحمة الله عليه- writes his personal experience: "After twenty-five years of experience, I have come to a conclusion. Those whom, with rudimentary knowledge,

make themselves a *mujtahid mutlaq*[1] and leave *mutlaq taqlīd*, at the end they leave the fold of Islām. Many instances are found which takes a person out of the fold of Islām in this world (i.e. *Kufr*, doubt in religion, sin, etc.). A very disastrous means amongst them is when a person without sufficient knowledge leaves *taqlīd*. The group of "*Ahl e Hadīth*", who without any or with rudimentary knowledge, call unto leaving *taqlīd* should fear this outcome. The masses of this group are becoming free-minded and independent." [*Risālah Ishā'ah Sunnah,* no.2 v.11 printed in 1888, extracted from *Ghayr Muqallidīn*-Maulāna Fārūq Mīrtī and *Gahyr Muqallidīn*-Maulāna Qārī Hafīzur Rahmān]

The great Muhaddith, Maulānā Habīb ur Rahmān 'Āzmī[2] رحمة الله عليه mentions these words of Maulānā Husayn Batālwī رحمة الله عليه. "After twenty-five years of experience I have come to this conclusion. Those who

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[1] *Mujtahid Mutlaq*: Those *mujtahidīn* who extract their own principles and laws of jurisprudence. This is the highest status of a *mujtahid*. The followed four *Imāms* have been given this title.

[2] Hadrat Maulānā Habīb ur Rahmān Āzmī رحمة الله عليه was born in the year 1314 A.H. Shaykh Āzmī's رحمة الله عليه most distinguishing trait was his adoption of *sunnah*. He was an epitome of *sunnah* in his era. He was the guiding light for the scholars and the intellectuals of his era. He passed away in the year 1413 A.H. [Muslim scholars of the 20th century - Shaykh Shoayb Ahmad, p.362]

without sufficient knowledge make themselves a *mujtahid muṯlaq* and leave *muṯlaq taqlīd*, at the end leave Islām all together. Some from amongst them convert to Christianity while others have no specific religion. The “best” outcome of this freedom is that they fall into sin.” [*Maqālāt Abu al Ma āthir* p.111, extracted from *Ishā’ah Sunnah* v.11 p.35, refer to *Ghayr Muqallidīn* p.36, *Sabīl al Rashād* p.12]

A question was posed to Maulānā Rashīd Aẖmad Gangohī رحمة الله عليه

A question was posed to the head of all the scholars in India- Maulānā Rashīd Aẖmad Gangohī رحمة الله عليه:

Question:

What opinion do the scholars and the jurists of Islām hold regarding *taqlīd shakhsī*? Is it *wājib* (incumbent) or is it as the *ghayr muqallidīn* (rejecters of *taqlīd)* say, that it is polytheism and an innovation?

Answer:

Taqlīd muṯlaq is farḏ (compulsory). Allāh ﷻ mentions in the Noble Qurān:

فَاسْأَلُوا أَهْلَ الذِّكْرِ إِنْ كُنْتُمْ لا تَعْلَمُونَ

"Ask those who have knowledge (of the previous scriptures) if you do not possess any knowledge (of the subject)."
(Ambiyā 7)

In this verse Allāh ﷻ has decreed *taqlīd muṯlaq* as *farḏ* (compulsory). There are two types of *taqlīd*. One of them is *taqlīd shakhsī*, in which you seek assistance in abiding by a law from a particular scholar. The other type is *taqlīd ghayr shakhsī*, in which you are not particular with referring to one scholar. Through the generality of the verses text, both types of *taqlīd* are included. Both types of *taqlīd* are substantiated from the side of *Sharī'ah* (Islām). Whichever type of *taqlīd* one abides by, he will be fulfilling an order of Allāh ﷻ. Whoever declares *taqlīd shakhsī* (which is ordered by Allāh ﷻ) as an innovation or polytheism is ignorant and astray. This is because, he is saying, that an order of Allāh ﷻ is polytheism in the opposition of Allāh ﷻ. He doesn't realize that Allāh ﷻ has given a "restricted" person a choice, whatever type he wishes, he can

practice upon. When there is generality of something then the subcategories of it are not outside the bounds of its originality, instead, it is a part of it. By way of an example, in the generality of the existence of humans, its subcategories cannot be separated from it.[1] In the same manner the two types of *taqlīd* (*shakhsī* and *ghayr shakhsī*) can never be separated from *taqlīd*. Wherever you find anyone of these two types it will considered being under *taqlīd*. Therefore in both types, a "restricted" person has a choice. Whichever he wishes he can practice upon, and by this he will be fulfilling an order of Allāh ﷻ. To call an order of Allāh ﷻ an innovation or polytheism is a sin in itself. Rather, both types are equal in their permissibility. However, in this time and era the general masses, even the learned ones, are in fear of falling prey to their carnal desires and are in self conceit with regards to their own opinions. *Taqlīd ghayr shakhsī* is a wonderful means for them to follow their base desires and to excite their self conceit.

[1] The subcategories of a human, example are males and females. No one can argue that any one of these subcategories is separate from the human race. Both in their own way are part of the human race. In the same manner, no one can claim that anyone of the subcategories of *taqlīd* (which are *shakhsī* and *ghayr shaksī*) is separate from *taqlīd* itself.

As a result, this makes them careless in regards to the matters of *dīn* (Islām). It becomes a means for them to let their tongue loose on the status of the *mujtahidīn* (expert jurists). It becomes an avenue for evil and discord to spread amongst the Muslim *Ummah* (Islāmic nation). In our time, this is all manifest. Due to these reasons *taqlīd ghayr shakhsī* will not be correct. Through the above mentioned verse *taqlīd shakhsī* has become stipulated by S*harī'ah* (Islām).

Unity plays a great part in Islām. Hence protecting unity will be a monumental *fard* (compulsory) law as well. Allāh ﷻ mentions in the Noble Qurān:

وَاعْتَصِمُوا بِحَبْلِ اللهِ جَمِيعًا وَلا تَفَرَّقُوا...الاية

"Hold fast to the rope of Allāhﷻ (Islām and particularily the Qurān as understood by the sayings of Rasūlullāh ﷺ and the pious predecessors), all of you together, and do not separate (because Allāh'sﷻ mercy lies in valid unity)."
[Sūrah Āl 'Imrān (the Family of 'Imrān) 3:103]

وَاللهُ لا يُحِبُّ الْفَسَاد...الايَةَ

"And Allāhﷻ dislikes corruption"
[Sūrah Al Baqarah (the Cow) 2:205]

There are many other narrations regarding this topic.

Due to the necessity of the protection of maintaining unity and in removing these great evils, one has to leave *taqlīd ghayr shakhsī* and adopt a side which is stronger and more helpful in the protection of this great *fard* (compulsory) law, which is the actual order of Nabī Muhammad ﷺ and the *Sahābah* ؓ. For example, the Noble Qurān was revealed in seven different dialects, and one has the option to choose anyone of the seven dialects. Despite this, Hadrat 'Uthmān ؓ abandoned this with the *ijmā'*(consensus) of the *Sahābah* ؓ and adopted a specific dialect for universal usage. The only reason for doing this was to repel evils and to save the Muslim ummah from disunity. *Sahih Bukhārī* testifies to this. Another example is that of Zhul Khuwaysarah[1], upon whom, death was incumbent due

[1] A narration appears in *Sahīh Bukhārī*, that while Nabī Muhammad ﷺ was distributing booty, Zhul Khuwaysarah told Nabī ﷺ," Be fair in your distribution". Nabī Muhammad ﷺ replied, "Woe unto you, who will be fair if I am not fair?" 'Umar ؓ sought permission from Nabī Muhammad ﷺ to kill him (because of his insolence towards Nabī ﷺ). No narration could be found which has the same words as presented by Maulānā Rashīd Ahmad Gangohī رحمه الله (this in no way implies that there is no narration of such sort, no such narration could be found by the translator). Under the commentary of the narration, Imām Ibn Hajar 'Asqalānī رحمه الله brings other narrations, some of

to his words of disbelief and insolence towards Nabī Mu<u>h</u>ammadﷺ. Yet, Nabī ﷺ still said:

دعه فان الناس يقولون ان مـحمدا يقتل اصحابه

"Leave him, as people will begin to say that Mu<u>h</u>ammad kills his companions."

This was only for the reason of removing evil and nothing else.

The conclusion is that, in such a time where evil is predominant in the society, *taqlīd shakhsī* will be declared *wājib* (incumbent) and *taqlīd ghayr shakhsī* will be prohibited due to these evils which will surface from it. Never the less, if it is such that these evils are not

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which are close to Maulānā's رحمة الله عليه presented words, however there is no name stipulated in the narration that it is regarding Zhul Khuway<u>s</u>arah. Nevertheless, Imām Ibn <u>H</u>ajar 'Asqalānī رحمة الله عليه mentions that death was incumbent upon Zhul Khuway<u>s</u>arah, and mentions, "It is possible that he was not killed for reasons of unity, this is how Imām Bukhārī رحمة الله عليه has also understood it…If Nabī ﷺ had given permission for him to be killed then it could have been a barrier for others to accept Islam." (*Fat<u>h</u> al Bārī*- Imām Ibn <u>H</u>ajar 'Asqalānī, v.12 p.369) Similar words have also been used by Nabī Mu<u>h</u>ammad ﷺ for 'Abdullāh bin Ubayy (the leader of the hypocrites). When he tried to cause disunity amongst the *<u>S</u>a<u>h</u>ābah* رضي الله عنهم. (details of the incident can be found in *<u>S</u>a<u>h</u>ī<u>h</u> al Bukhārī* no. 4905) Muftī Shafī' رحمة الله عليه writes: "Another point illustrated by this incident is that an act which is permissible in itself should be avoided if it may create a misunderstanding in the mind of a Muslim (or for administrative purposes)" [*Ma'ārif al Qurān*- Muftī Shafī', vol.8 p.472]

found in *taqlīd ghayr shakhsī* then one would have a choice to adopt that as well, just like he has a choice to adopt *taqlīd shakhsī*. It has now become manifest that *taqlīd shakhsī* must be declared wājib (incumbent) and to call it an innovation or polytheism is clear ignorance. And Allāh ﷻ knows best. *Kutube Ahqar* Rashīd Ahmad Gangohī, 6 *Zhul Hijjah* 1311 A.H. [*Fatāwā Rashīdiyyah,* v.1 p.206]

Will practicing upon the opinions of other *Hanafī Imāms* still classify as *Taqlīd?*

Question:

If someone argues that in the Hanafī school of thought, at times we practice upon the opinion of *Sāhibayn*[1] رحمة الله عليه, at times of Imām Zufar[2] رحمة الله عليه, and at

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[1] *Sāhibayn*- Are two of Imām Abū Hanīfah's رحمة الله عليه great students, Imām Abū Yūsuf رحمة الله عليه and Imām Muhammad رحمة الله عليه. Both hold a very high rank in the creed of Imām Abū Hanīfah رحمة الله عليه.

[2] Imām Zufar was born in the year 110 A.H. He was particularly skilled in analogical reasoning. Imām Abū Hanīfah رحمة الله عليه used to call him the greatest amongst his companions in this respect. He also held the post of being an Islamic judge. He passed away in the year 158 A.H. [Imām Abū Hanīfah, life and works - Maulānā Shibli Nu'mānī p. 210]

times of the latter scholars. Therefore this will not remain complete *taqlīd shakhsī* which was *wājib lighayrihi*?

Answer:

The opinions of the scholars of the Hanafī school of thought are in reality the opinions of Imām Abū Hanīfah[1] رحمة الله عليه. Thus, to practice upon their opinions would not be outside the bounds of *taqlīd shakhsī*.

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[1] Nu'mān bin Thābit- Abū Hanīfah was his patronymic appellation, while his surname was Imām al A'dham (the greatest Imām) by common consent. He was born in the year 80 A.H. He formed a creed of jurisprudence famously known as the *Hanafī* school of thought. He was *tābi'ī* (one who saw the *Sahābah* رضي الله عنهم). 'Allāmah Hajar Makkī رحمة الله عليه says he saw eight to ten *Sahābah* رضي الله عنهم. Imām Abū Hanīfah was very sober, polite, patient, and forbearing by nature. As per some narratives he devoted seven years in acquiring the knowledge of *kalām* and 18 years in acquiring *fiqh* (jurisprudence). [Great personalities of Islam- Badr Azimabādi p. 3] Here are a few facts that the historians have mentioned regarding Imām Abū Hanīfah رحمة الله عليه. For forty years he performed his morning prayers (*fajr)* with the *wudū'* (ablution) that he had performed his *'Ishā* prayer with. He completed 7000 recitations of the Noble Qurān in the place where he passed away. He passed away in the year 150 A.H. [Imām Abū Hanīfah, life and works - Maulānā Shibli Nu'mānī p. 43]

'Allāmah Shāmī[1] ﷺ mentions in *al Hāwī al Quds*:

و اذا اخذ بقول واحد منهم يعلم انه قطعا انه يكون آخذا بقول ابي حنيفة رحمه الله تعالي فانه روى عن جميع اصحابه الكبار كابي يوسف و محمد و زفر والحسن رحمهم الله تعالى انهم قالوا ما قلنا فى مسئلة قولا الا وهو رواية عن ابى حنيفة رحمه الله تعالي و اقسموا عليه ايمـانا غلاظا فلم يتحقق اذا في الفقه جواب ولا مذهب الا له كيف ما كان وما نسب الى غيره الا بطريق الـمجاز للموافقة

When a person practices upon an opinion of one of their (the scholars of the Hanafī school of thought) opinions then in reality he is practicing upon an opinion of Imām Abū Hanīfah ﷺ. It has been narrated by some of the major Hanafī scholars, the likes of which are Imām Abū Yūsuf[2]

[1] 'Allāmah Shāmī was born in 1198 A.H. He wrote an unmatched book in jurisprudence called *Radd al Muhtār*. He is famous for this work. He passed away in 1252 A.H.

[2] Qadī Abū Yūsuf was born in Kūfah in 113 or 117 A.H. He was one of Imām Abū Hanīfah's ﷺ main and beloved disciples. He was appointed judge in 166 A.H. Caliph Harūn al Rashīd appointed him "judge of all the judges" for the entire Islamic realm, a post which he was the first to hold in Islāmic history and which after him was held by only one more man. He passed away in the year 182 A.H. [Imām Abū Hanīfah, life and works - Maulānā Shibli Nu'mānī p. 210]

رحمة الله عليه, Imām Muhammad[1] رحمة الله عليه, Imām Zufar رحمة الله عليه, and Imām Hasan[2] رحمة الله عليه that: "We do not report anything regarding a law except that it was narrated to us from Imām Abū Hanīfah رحمة الله عليه." They took a glaring oath upon this. Therefore no answer nor any madhhab (school of thought) will be established (from the opinions of these scholars) except that it is Imām Abū Hanīfah's رحمة الله عليه, however it may be. It will not be attributed to anyone else besides Imām Abū Hanīfah رحمة الله عليه metaphorically, for the purpose of unity.

Regarding this Imām Sha'rānī[3] رحمة الله عليه mentions in *Mīzān al Kubrā* the statement of Ibn ul Humām[4] رحمة الله عليه. At the end of which he clearly states: the one who holds

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[1] Muhammad bin al-Hasan al-Shaybānī was born in 135 A.H. He was one the twin pillars of the Hanafī school of thought, the other being Imām Abū Yūsuf رحمة الله عليه. [Imām Abū Hanīfah life and works, Maulānā Shibli Nu'mānī p. 214]

[2] Hasan bin Ziyād was one of the major scholars of the Hanafī school of thought. Yahya bin Ādam رحمة الله عليه is reported to have said, "I have not seen a person with more understanding of Islām than Hasan bin Ziyād. [*Al Fawāid al Bahiyyah* p.60]

[3] 'Abdur Rahīm Sha'rānī was born in 1047 A.H. He was from the Shāfi'ī school of thought. He lived in Constantinople. He was one of the teachers of Madrasah Ahmadiyah. [*Mu'jam al Muallifīn* vol.5 p.209]

[4] Muhammad bin 'Abdul Wāhid bin 'Abdul Hamīd Kamāl ud Dīn. He is famously known as Ibnul Humām, the author of the accepted work in the field of jurisprudence *Fath al Qadīr*.

fast to an opinion of the companions of Imām Abū Hanīfah رحمة الله عليه has in reality held fast to the opinion of Imām Abū Hanīfah رحمة الله عليه himself.

When the latter scholars gave rulings to such problems arising in their respective eras, for which laws needed to be stipulated, they gave their rulings keeping the principles that Imām Abū Hanīfah رحمة الله عليه laid out in mind. Therefore this stipulation of a law due to contemporary need will be included in the creed of Imām Abū Hanīfah رحمة الله عليه as well. It will be *taqlīd shakhsī*. There will be no fear of following our base desires by practicing upon their opinions. [Shāmī v.1 p.46]

A Rational Example of *Taqlīd*

Taqlīd shakhsī can be understood through the following example:

It is necessary to turn to a doctor for a cure of a sickness and to a lawyer when wishing to practice upon the law of the "land".

There are two scenarios for this:

(1) At different times one chooses different doctors and different lawyers.

(2) At all times one chooses the same doctor and the same lawyer.

Whichever of the two scenarios one abides by, will result in his object and aim being achieved. Exactly like this, for one's spiritual remedy and to practice upon the divine law correctly, it will be necessary to make *taqlīd* of a *mujtahid,* as prescribed by the text of the Noble Qurān [1]. This includes *taqlīd shakhsī* and *taqlīd ghayr shakhsī*. One who practices upon any one of these two will be practicing upon a *fard* (compulsory) law. However, due to some external factors, it becomes difficult to turn to one doctor or lawyer. Now, only the second scenario, for practical purposes, will be exercised. Like this, because of the aforementioned harms of *taqlīd ghayr shakhsī*, it will be difficult to practice upon it. Hence *taqlīd shakhsī* will be stipulated. (Refer to: *Ahsan al Fatāwā*- Muftī Rashīd Ahmad Ludhiyānwī رحمة الله عليه v.1 p.149, *Taqlīd wa Ghayr Muqallidīn*-Maulānā Qārī Hafīz ur Rahmān A'zmī, p.9)

[1] By text of the Noble Qurān all those verses mentioned under the chapter, "proofs of the necessity of *taqlīd* from the Noble Qurān" are meant.

An Objection and its Clarification

The Objection:

Some *ghayr muqallidīn* (rejecters of *taqlīd*) say that by holding onto the opinions of the *Imāms* of a school of thought, one leaves practicing upon the narrations of Nabī Mu<u>h</u>ammad ﷺ, which is completely impermissible.

The Clarification:

Apparently it may seem that we are following the jurists, but in reality we are following Nabī Mu<u>h</u>ammad ﷺ. We understand the meaning of the intent of Nabī Mu<u>h</u>ammad ﷺ through the eyes of the jurists. This is just like how a person understands the law of the "land" through a lawyer, then acts in accordance to his advice. Will anyone say that this person is following the lawyer and not the law of the "land"? No, he is obeying the law of the "land". Just like this, understand *taqlīd shakhsī.* One doubt remains that those who make *taqlīd*, hold on to the opinions of their respective school of thought,

and by this they leave the narrations of Nabī Mu<u>h</u>ammad ﷺ.

The clarification of this is that if one narration is not practiced upon, then definitely another narration or verse of the Noble Qurān is practiced upon. The *ghayr muqallidīn* (rejecters of *taqlīd*) do not practice upon all the narrations of Nabī Mu<u>h</u>ammad ﷺ as well. They also at times declare a narration as *mansūkh*[1] (abrogated) or *<u>d</u>a'īf* (weak) and do not practice upon that particular narration. So, why do they disagree when the jurists do the same? Just how they have a right to declare a narration as *<u>d</u>a'īf* (weak), even more so, do the jurists. Just how they have principles to declare a narration as authentic or weak, so do the jurists. They (the *ghayr muqallidīn*) do not have any proof that their principles are correct and the principles of the jurists are incorrect. These laws are *ijtihādī* (such a law in which *ijtihād* is necessary), there are differences of opinion in regard to them. And Allāh ﷻ knows best. (Refer to: *al Irtiyāb* p.32 and *Muqaddamah I'lāus Sunnan fī 'Ulūm al <u>H</u>adīth* p.33)

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[1] When a law is ruled abrogated due to another law, it is called *mansūkh*. A narration can be made *mansūkh* (abrogated) by another narration and a verse of the Noble Qurān can be made *mansūkh* (abrogated) by another verse.

Other Books on the Topic of *Taqlīd*

١. عقد الـــجيد-

Hadrat Shāh Waliullāh Muhaddith Dehlawī رحمة الله عليه

٢. سبيل الرشاد-

Hadrat Maulānā Rashīd Ahmad Gangohī رحمة الله عليه

٣. الاقتصاد في التـــقليد و الاجتهاد-

Hadrat Hakīmul Ummah Maulānā Ashraf 'Alī Thanwī رحمة الله عليه

٤. تقليد شخصى -

Hadrat Muftī Muhammad Shafī' رحمة الله عليه

٥. تقليد و اجتهاد -

Hadrat Maulānā Masīhullah Khān رحمة الله عليه

٦. خير التنقيد فى سير التقليد-

Hadrat Maulānā Khayr Muhammad رحمة الله عليه

٧. انـــهاءالسكن- (v.2)

Hadrat Maulānā Habīb Ahmad Karānwī رحمة الله عليه

٨. تقليد كى شرعى حيثيت -

Hadrat Maulānā Muftī Taqī 'Uthmānī مد ظله

٩. مقالات ابو المئاثر

There are certain topics pertaining to *taqlīd* that are very beneficial, they should also be studied.

بحمد الله

فضل الرحمن اعظمى ازادول
Fazlur Rahmān 'Azmī
13 *Zhul Qa'dah,* 1424, 6 January, 2004